



**Office of the  
Special Narcotics Prosecutor  
for the City of New York**

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**BY ELECTRONIC DISCOVERY**

Dear Counsel:

This disclosure letter concerns Undercover Officer 384 (“UC 384”) of the New York City Police Department (“the Department”), whom the People intend to call as a witness in this case.

On or about a date known to the Department, the Department opened an internal investigation into alleged misconduct by UC 384. The Department later substantiated allegations against UC 384 for Court Non-Appearance-TVB. The Department penalized UC 384 with a Schedule A Command Discipline.

The Civilian Complaint Review Board did *not* substantiate allegations against UC 384 involving an incident occurring on a date known to the Department. However, a CCRB investigator found Other Misconduct Noted – Failure to Produce Stop and Frisk Report

Pursuant to People v. Garrett, 23 N.Y.3d 878 (2014), the People are disclosing the following list of civil lawsuits in which UC 384 has been named in his/her capacity as a member of law enforcement. The People identified the lawsuits listed below primarily using public databases.

Case Name: *MILTON, SHAWN VS CITY OF NEW YORK, ET AL.*

Case Number: 151945/2019; Court: Supreme Court - New York; Litigation Start Date: March 04, 2019

In addition, the below lawsuits arose from when UC 384 was working as a patrol officer:

(1)

Within the last five years, Plaintiffs allege that UC 384 stopped a car in which they were riding. Plaintiff 1 (“P1”) was driving and his cousin, Plaintiff 2 (“P2”) was in the front passenger seat. UC 384 approached P1 and asked for his license and registration. P1 asked why and UC 384 again requested the license and registration. P1 complied and then asked UC 384 if he was being pulled over because of a broken tail light. P1 and P2 then saw UC 384 walk to the front of P1’s car and then said to P1 that his front passenger-side light was not illuminated. UC 384 then asked P1 if he had been arrested before and when P1 protested the question, UC 384 told him to answer the question. P1 said that he had been and UC 384 asked what it was for. After P1 explained the charges (not specified in the complaint), UC 384 asked when it had occurred and said that P1 was therefore still on probation for the charge. UC 384 then went back to the patrol car and returned a few minutes later and asked P1 if he had any drugs in the car. P1 said that he did not, but UC 384 ordered him to exit the car. UC 384 then searched P1 and P1 was handcuffed. P2 was then ordered to exit the front passenger seat of the car and an unspecified officer searched him. P2 then told the officers that he was a diabetic on insulin and that he had insulin needles with him and that P1 was taking him to the hospital.

UC 384 denied that the needles were for insulin and then searched the car. Additionally, officers later arrived and one of them drove off in P1's car. P1 and P2 were transported to the stationhouse and when P1 asked UC 384 why he had been arrested, she said it was because P2 had a needle and a beer inside of P1's car. UC 384 then stated that her boss had directed her to stop the car because of the broken light.

Both P1 and P2 were transported to Central Booking and then released without charges. When P1 retrieved his car, he saw damage to the interior of it which was not there before the police seized it. Plaintiffs claim that as a result of the arrest, they lost time from work and were publicly humiliated and suffered fear, and mental and emotional distress. The suit asserts claims under the 4th and 5th Amendments and state law for unlawful search, false arrest, and an unlawful car stop.

The case was settled with unspecified terms without the admission of fault or liability by any defendant.

(2)

Within the last five years: "Summons with Notice" identifies the action as one for monetary damages based upon false arrest, false imprisonment, negligent detention, excessive detection, negligent infliction of emotional distress, intentional infliction of emotion distress, assault, battery, menacing, harassment, excessive force and other civil rights claims, however, there are no specific factual allegations against UC 384 or any other officer.

The case is currently active.

(3)

Within the last five years, three plaintiffs (P1, P2, P3, collectively “Ps”) alleged that UC 384, another named police officer, and three unnamed police officers approached Ps with loaded firearms, outstretched limbs, and other objects used to seize and restrain Ps, placing Ps in imminent fear of physical contact. Ps were taken into custody without a warrant or legal right and held in custody for over two days until released. Defendants failed to take steps to stop the prosecution of Ps and maliciously and deliberately provided false and incomplete information to the District Attorney’s Office to induce prosecution of Ps. Defendants falsely arrested, unlawfully imprisoned and committed an assault and battery of Ps by grabbing their persons. Ps were inside a car that was illegally stopped and searched. Defendants wrongfully seized and arrested Ps for criminal possession of a controlled substance and marijuana. Plaintiffs deny being in possession of such substances. A named officer (PO1) was the arresting officer and claimed that Ps were acting in concert to criminally possess controlled substances and marijuana. Based on perjury and fraud, PO1 maliciously prosecuted the plaintiffs. UC 384 is “believed” to have been present and “may have” participated in the illegal search of Ps, assisted in making allegations of criminal possession of controlled substances, and also made false statements that led Ps to be falsely prosecuted. UC 384 “illegally searched and seized [Ps].”

The case is currently active.

(4)

Within the past 8 years, P1 and P2 were walking when UC 384 and three other named officers allegedly grabbed them from the sidewalk and took them into the lobby of a building and placed them in a lineup with one other person who P1 and P2 did know. PO1, PO2, and UC 384 searched P1 and P2 without probable cause and found no contraband. One of the officers told PO4, the supervisor, that P2 did not have any contraband, but PO4 told the officers to take P1 and P2 into custody anyway. P3 was across the street watching and P2 asked the officers if he could give his property to P3 to safeguard. The officers said he could, but when P3 walked towards them, the officers grabbed P3, threw him to the ground, put their knees into his back, and attempted to force his hands behind his back while putting pressure on his shoulder. All three Ps were taken back to the stationhouse where they were strip searched in the presence of officers of the opposite gender. P2 was released the next day from the precinct without being charged, P1 was held for over one day and then had her court case dismissed, and P3 was held for over one day and then released without charges being filed.

Plaintiffs claim excessive force, unlawful stop, frisk, and arrest, false arrest, fabricated charges that denied plaintiffs a right to a fair trial or hearing.

Case was settled; the terms were not disclosed.

Allegations of misconduct that have not been substantiated and are not pending (including, but not limited to, findings of unsubstantiated, unfounded, and exonerated) are not subject to disclosure and generally are not included in this letter. Additionally, the decision to include information in this letter does not represent a conclusion by the People that all the information contained herein is required to be disclosed under the People’s constitutional, ethical or statutory obligations. The People reserve the right to

move in limine to preclude or limit reference to the information in this letter in any further proceedings in this prosecution.

If you have any questions, feel free to contact me at (212) 815-0414.

Sincerely,

*Lauren Di Giovanni*

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Assistant District Attorney